

**REMARKS**

At this time, to facilitate prosecution and to place this application in condition for allowance, all claims except for claims 6 – 11 have been canceled. A three month extension of time and Notice of Appeal are filed concurrently with this Amendment for maintaining pendency.

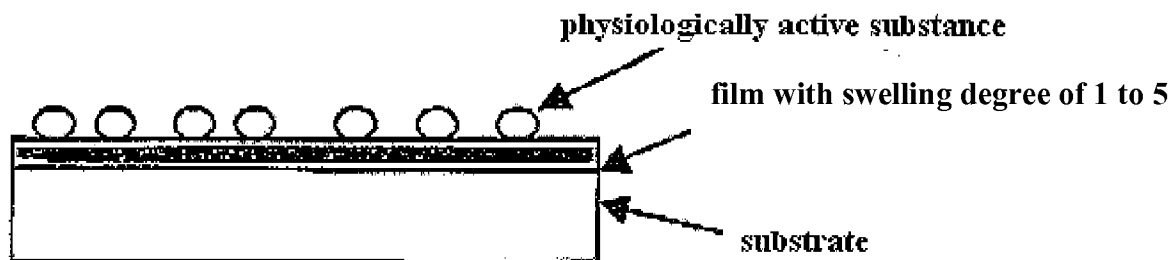
Generic claim 6 is directed to Applicants' invention of a biosensor having on a surface to be contacted with a physiologically active substance, a film having a swelling degree in pure water at 25 degrees C of between 1 and 5 with respect to the film thickness in a dry state.

With the amendments at this time, the rejections remaining for consideration are the paragraph 13 rejection in which claims 6, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al, the paragraph 47 rejection in which claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al, and the paragraph 48 rejection in which claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al in view of Wagner et al. As explained below, generic claim 6 is clearly novel (and also unobvious) over the structure of Allen et al. As a result, and since all other claims depend upon claim 6, all claims are in condition for allowance.

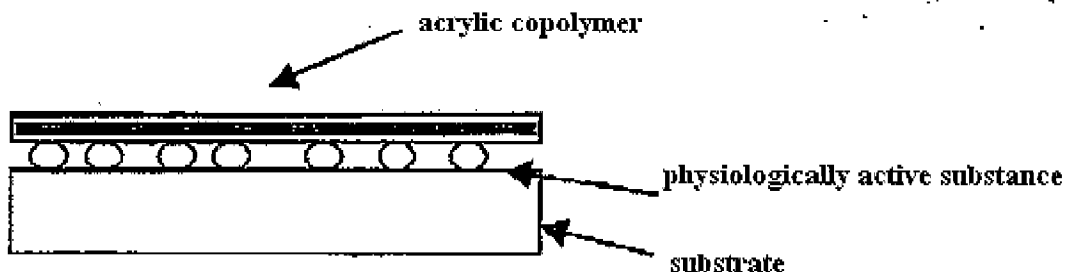
As set forth above and as clearly recited in claim 6, the biosensor of the present invention is characterized by the swelling degree of a film on the surface of the biosensor to be brought into contact with a physiologically active substance. This is for immobilization of the physiologically active substance. In contrast, in Allen et al, the acrylic copolymer is used as a membrane for covering the substrate on which a physiologically active substance is immobilized,

and is not being used for immobilizing a physiologically active substance. Please see the below figures in this regard.

**(The present invention)**



**(Allen et al)**



Please see, for example, col. 3, ll. 48 – 55 of Allen et al. The acrylic copolymer of the reference is used for encapsulating a biosensor, with the sensor elements being beneath the encapsulating film. This type of structure is entirely different in structure and in concept from the present invention in which the film having a defined swelling degree entraps the physiologically active substance. In Allen et al, the physiologically active substance will permeate the acrylic polymer to reach the underlying sensor and not be immobilized on the

surface film. Thus, the film of the present invention functions in an entirely different manner from the acrylic encapsulating film of the reference.

Claim 8 is unobvious over Allen et al for the same reasons why claim 6 is novel and unobvious over Allen et al.

With respect to claims 10 and 11, Applicants do not base patentability on the presence of the metal surface or metal film. Since Wagner et al is not relevant to Applicants' film of claim 6 of defined swelling degree, Wagner et al does not aid a rejection of claims 10 and 11 based on Allen et al alone. Accordingly, claims 10 and 11 are patentable.

Reconsideration and withdrawal of all remaining rejections are respectfully requested.

In view of the above, reconsideration and allowance are now believed to be in order, and are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the listed telephone number.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

CUSTOMER NUMBER

Date: June 9, 2008